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## ACLU Liberty Watch 2012

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### MITT ROMNEY: THE CIVIL LIBERTIES CANDIDATE 1994 AND 2002

Mitt Romney has faced voters in a general election only two times: an unsuccessful bid for the U.S. Senate in Massachusetts in 1994, and a successful run for governor of Massachusetts in 2002. In both races, Romney held positions that were closely aligned to the American Civil Liberties Union's positions on three central domestic policy issues: reproductive freedom, LGBT equality and immigration.

It wasn't until his service as Massachusetts governor that Romney began to abandon his pro-civil liberties philosophy. Romney decided against running for a second term in 2006 and instead prepared for a race for the 2008 Republican presidential nomination.

*This white paper details Romney's support of civil liberties during both general elections as well as certain positions as governor and the alignment of those positions with the ACLU.*

### SUPPORTED REPRODUCTIVE FREEDOM AND CONTRACEPTION FUNDING

Romney was an ardent supporter of a woman's right to choose and state funding for reproductive health services.

#### Roe v. Wade

On October 25, 1994, during a Massachusetts senatorial debate with incumbent Democrat Ted Kennedy, Romney said "I believe that abortion should be safe and legal in this country. I have since the time that my Mom took that position when she ran in 1970 as a U.S. Senate candidate. I believe that since *Roe v. Wade* has been the law for 20 years that we should sustain and support it, and I sustain and support that law and the right of a woman to make that choice. And my personal beliefs, like the personal beliefs of other people, should not be brought into a political campaign."<sup>1</sup>

During the 2002 gubernatorial campaign, Romney completed a survey for Planned Parenthood and affirmed his support for "the substance of the Supreme Court decision in *Roe v. Wade*," "state funding of abortion services through Medicaid for low-income

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<sup>1</sup> Massachusetts Senatorial Debate, October 25, 1994, available at <http://www.c-spanvideo.org/program/SenatorialDeba> (at 9:46).

women,” and “increase[ing] access to emergency contraception.”<sup>2</sup> He also completed a questionnaire for Massachusetts NARAL in which he “answered ‘Yes’ to questions asking whether he supported *Roe v. Wade* and opposed attempts to restrict abortion.”<sup>3</sup>

### Right to Choose

On his personal reasons for supporting the right to choose, Romney said: “Many, many years ago, I had a dear close family relative that was very close to me who passed away from an illegal abortion. It is since that time that my mother and my family have been committed to the belief that we can believe as we want but we will not force our beliefs on others on that matter and you will not see me wavering on that.”<sup>4</sup>

At the 2002 Massachusetts GOP Convention, Romney said: “I respect and will fully protect a woman’s right to choose. That right is a deeply personal one, and the women of our state should make it based on their beliefs, not mine and not the government’s.”<sup>5</sup>

### Emergency Contraception

On emergency contraception, commonly referred to as the morning-after pill, Romney said, “I have instructed the Department of Public Health to follow the conclusion of my own legal counsel and to adopt that sounder view,” that all hospitals in Massachusetts would be obligated to provide the morning-after pill to rape victims.<sup>6</sup>

### Family Planning Services

As governor, Romney signed a bill into law for the state to seek a federal waiver for comprehensive family-planning services for low-income Massachusetts residents that include the distribution of condoms, abortion counseling, and the distribution of emergency contraception, or morning after pills, by prescription, testing and treatment for sexually transmitted diseases, medical and gynecological examinations, counseling on methods of birth control, screening for breast and cervical cancer, prenatal care, and counseling and referral services for pregnancy and infertility.<sup>7</sup>

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<sup>2</sup> Jennifer Rubin, “Mitt Romney’s Conversion, His pro-life turn is more recent than you think,” The Weekly Standard, VOL. 12, NO. 20, February 5, 2007, available at <http://www.weeklystandard.com/Content/Public/Articles/000/000/013/222htyos.asp>.

<sup>3</sup> Ibid.

<sup>4</sup> Massachusetts Senatorial Debate, October 25, 1994 at 12:08.

<sup>5</sup> Jennifer Rubin, “Mitt Romney’s Conversion, His pro-life turn is more recent than you think,” The Weekly Standard, VOL. 12, NO. 20, February 5, 2007.

<sup>6</sup> Scott Helman, “Romney says no hospitals are exempt from pill law, He reverses stand on Plan B,” The Boston Globe, December 9, 2005, available at [http://www.boston.com/yourlife/health/women/articles/2005/12/09/romney\\_says\\_no\\_hospitals\\_are\\_exempt\\_from\\_pill\\_law/](http://www.boston.com/yourlife/health/women/articles/2005/12/09/romney_says_no_hospitals_are_exempt_from_pill_law/).

<sup>7</sup> Stephanie Ebbert, “Romney Signs Bill on Family Planning Antiabortion Groups Criticize the Decision,” The Boston Globe, October 15, 2005.

### Sex-Education

The Boston Globe reported that Romney said he supported sex education in public schools and opposes abstinence-only programs.<sup>8</sup>

*The ACLU supports everyone's right to make informed decisions free from government interference about whether and when to become a parent.*

## **SUPPORTED EQUALITY FOR LGBT PEOPLE THROUGHOUT AMERICAN LIFE**

Romney was an enthusiastic supporter of equal rights and protections for LGBT people.

### LGBT Equality

In an August 1994 interview with an LGBT newspaper, Romney said: "I respect the work and the efforts [Ted Kennedy]'s made on behalf of the gay community and for civil rights more generally, and I would continue that fight. There's something to be said for having a Republican who supports civil rights in this broader context, including sexual orientation....I think the gay community needs more support from the Republican Party and I would be a voice in the Republican Party to foster anti-discrimination efforts."<sup>9</sup>

According to Richard Tafel, founder of Log Cabin Republicans, a prominent LGBT advocacy organization, Romney said "I'm with you on this stuff....I'll be better than Ted Kennedy."<sup>10</sup>

On workplace discrimination, Romney said: "[Bain & Co. is] an environment that fosters openness and fights discrimination. I believe it is a good place for gay and lesbian individuals to work.... I believe that my record, my life, is a clear indication of my support and insistence on anti-discrimination and on efforts to assure equal rights for all."<sup>11</sup>

When asked about his position as an executive Board member of Boy Scouts of America, an organization that discriminates on the basis of sexual orientation, Romney said: "I have let my views be known...I feel that all people should be allowed to participate in the Boy Scouts, regardless of their sexual orientation."<sup>12</sup>

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<sup>8</sup> Stephanie Ebbert, "Romney Pushes Education At Campaign Stop," The Boston Globe, April 10, 2002.

<sup>9</sup> "Romney: I'll be better than Ted for gay rights," Bay Windows, August 25, 1994, available at <http://www.baywindows.com/romney-ill-be-better-than-ted-for-gay-rights-53688>.

<sup>10</sup> Michael Kranish & Scott Helman, The Real Romney, Harper Collins: New York, NY (2012) p. 182.

<sup>11</sup> "Romney: I'll be better than Ted for gay rights," Bay Windows, August 25, 1994.

<sup>12</sup> Massachusetts Senatorial Debate, October 25, 1994 at 15:45.

### Employment Non-Discrimination Act (ENDA)

Romney declared support for non-discrimination that went far beyond the central federal non-discrimination legislation: “[I] do support [the Employment Non-Discrimination Act] and would vote in favor of that. I also, philosophically, support efforts to ban discrimination in housing.... Philosophically, I support efforts to remove discrimination from the workplace, from housing, from education and so forth.”<sup>13</sup>

### Partner Benefits

On relationships, Romney said: “I think when people have a commitment to one another, either a heterosexual or homosexual relationship, that they should have the benefit of visitation rights and leave privileges and things of that nature ...I do support generally the proposition that people in homosexual relationships should not be discriminated against in terms of employment benefits.”<sup>14</sup>

### “Don’t Ask, Don’t Tell”

On gays serving openly in the military, Romney said: “I believe that there will be change over time as the military establishment and the rank-and-file become more comfortable with the realities of sexual orientation in the military. I will support progress being made in that area as time progresses and the military and society becomes more accepting.”<sup>15</sup>

*The ACLU works to eliminate discrimination based on sexual orientation and gender identity.*

## **SUPPORTED A FAIRER IMMIGRATION POLICY**

Romney supported a fairer immigration policy and denounced a strict deportation-only approach.

### Deportation

On the topic of immigration Romney said: “I don't believe in rounding up 11 million people and forcing them at gunpoint from our country. With these 11 million people, let's have them registered, know who they are. Those who've been arrested or convicted of crimes shouldn't be here; those that are here paying taxes and not taking government benefits should begin a process toward application for citizenship, as they would from their home country.”<sup>16</sup>

According to the San Francisco Chronicle, Romney said: “I don't believe we're going to round up the 12 or 20 million people and deport them. I do believe we need to have the people who are here as aliens register, so we know how many there are and what

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<sup>13</sup> “Romney: I'll be better than Ted for gay rights,” Bay Windows, August 25, 1994.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Virginia Buckingham, “Immigration stance improv; From Mitt, another dubious act,” The Boston Herald, March 14, 2007.

category, so we can take action based on that information.” He added that he is “not in favor of widespread roundups.”<sup>17</sup>

In a 2005 interview with the Boston Globe, Romney said it was not “practical or economic for the country” to deport the entire population of undocumented people. He added: “These people contribute in many cases to our economy and to our society.”<sup>18</sup>

On efforts by senators John McCain and Ted Kennedy to reform immigration policies, Romney said: “It’s saying you could work your way into becoming a legal resident of the country by working here without taking benefits and then applying and then paying a fine.”<sup>19</sup>

#### Public Benefits for Undocumented Persons

When asked whether he would support a measure to eliminate all service to undocumented immigrants except emergency care, Romney said: “I would not be in favor so such a provision.... I would also insist that people who come here who are illegal aliens do not have the opportunity to take advantage of benefits in our system. But I do not believe that we should deny all services to people who come here from across the border.”<sup>20</sup>

#### English-Only Education

With regard to a stringent state ballot initiative that would have slashed bilingual education in favor of English-immersion, the Boston Herald reported that Romney opposed the initiative, and his spokesperson stated that Romney thinks it “goes too far.”<sup>21</sup>

*The ACLU supports fundamental constitutional protections of due process and equal protection embodied in our Constitution and Bill of Rights that apply to every person and are not limited to citizens.*<sup>22</sup>

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<sup>17</sup> Carla Marinucci, “Romney says illegal immigrants should register,” San Francisco Chronicle, March 16, 2007, available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/03/16/BAG9SOMKR97.DTL>.

<sup>18</sup> Scott Helman, “Romney’s words grow hard on immigration,” The Boston Globe, March 16, 2007.

<sup>19</sup> Ibid.

<sup>20</sup> Massachusetts Senatorial Debate, October 25, 1994 at 24:18.

<sup>21</sup> David R. Guarino and Joe Battenfeld, “Rappaport, in break with Romney, inks no-new-tax pledge,” The Boston Herald, April 10, 2002.

<sup>22</sup> Immigrants’ Rights, ACLU, available at <http://www.aclu.org/immigrants-rights>.

## SUPPORTED EFFORTS TO ADDRESS RACIAL PROFILING

Romney understood the need to address issues of racial profiling.

As governor, Romney proposed restoring funding to study racial profiling. The collection of data on traffic warnings stopped when state funding was cut in the previous year.<sup>23</sup>

*The ACLU works to eliminate racial profiling, a practice that presents a great danger to the fundamental principles of our Constitution.*<sup>24</sup>

## SUPPORTED AFFIRMATIVE ACTION

Romney acknowledged barriers to entry and advancement in the workplace for women and minorities, and supported efforts to eliminate those barriers.

On the importance of a diverse workforce, Romney said: “If we’re going to compete as a nation, we’ve got to draw upon the skills of women and minorities. And I see organizations from the federal government to corporations that are not drawing on the skills and abilities of women and minorities.”<sup>25</sup>

On identifying barriers for women and minorities, Romney said: “I believe that public companies and federal agencies should be required to report in their annual 10K, the number of minorities and women by income group within the company. So we can identify where the class ceiling is and break through it.”<sup>26</sup>

*The ACLU supports affirmative action as an effective tool for redressing injustices caused by our nation's historic discrimination against people of color and women.*<sup>27</sup>

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<sup>23</sup> Bill Dedman and Francie Latour, “Romney backs tracking racial profiling,” The Boston Globe, March 5, 2003, available at [http://www.boston.com/globe/metro/packages/tickets/030503\\_folo.shtml](http://www.boston.com/globe/metro/packages/tickets/030503_folo.shtml).

<sup>24</sup> Racial Profiling, ACLU, available at <http://www.aclu.org/racial-justice/racial-profiling>.

<sup>25</sup> Massachusetts Senatorial Debate, October 25, 1994.

<sup>26</sup> Ibid.

<sup>27</sup> Affirmative Action, ACLU, available at <http://www.aclu.org/racial-justice/affirmative-action>.